CITY OF NEWPORT DOCKET OF THE COUNCIL

The following items of business, filed with the City Clerk under the Rules of the Council, will come before the Council at its regular meeting to be held on **May 11, 2011, at 6:30 p.m.**

PLEDGE OF ALLEGIANCE TO THE FLAG

<u>CITIZEN'S FORUM</u>: (Speakers must sign in with the City Clerk). The Citizen's Forum period shall be no longer than fifteen minutes and citizens may address the Council on <u>one subject only and for no longer than three minutes</u>. Issues to be discussed shall not include matters to be considered or discussed as part of the regular council agenda and must be related to substantive city business. No comments regarding personnel or job performance are allowed.

- 1. **PUBLIC HEARING:** Recommended 2011-2012 Operating Budget
- 2. CONSENT CALENDAR. (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)
 - a. Minutes of the April 27, 2011, Council Meeting (Approve)
 - b. Special Event Licenses:
 - 1) Newport Restoration Foundation, d/b/a "Rough Point After Dark"; 680 Bellevue Ave., May 12, June 9, July 21, Aug. 11, Sept. 8 and Oct. 13, 2011, from 5:00 p.m. to 7:30 p.m.

It is the practice of the Council to meet at 6:20 p.m. in the second-floor Conference Room to discuss docket items. The public is invited to attend. The docket, along with all supporting documents, can be viewed on the City of Newport website: www.cityofnewport.com – "Current Newport City News & Announcements" – Click on "MORE NEWS." Council Meetings can be viewed on Cox Cable, Channel 18; check local listings for dates and times. A DVD of the Council Meeting will be available t the Newport Public Library within 48 hours of the meeting.

LIVE VIDEO CONFERENCING OF COUNCIL MEETINGS AND WORKSHOPS WILL BE AVAILABLE AT THE NEWPORT POLICE STATION, WHICH IS ACCESSIBLE AND MEETS ADA REQUIREMENTS, <u>BASED UPON NOTIFICATION TO THE CITY MANAGER'S OFFICE (845-5429) A MINIMUM OF 48 HOURS IN ADVANCE OF THE MEETING.</u> INDIVIDUALS REQUIRING INTERPRETER OR OTHER ACCOMMODATIONS MUST NOTIFY THE CITY MANAGER'S OFFICE TWO WEEKS IN ADVANCE OF THE MEETING.

- 2) Visiting Nurse Services of Newport & Bristol Counties, d/b/a Annual Meeting; Salve Regina University, Ochre Court, May 18, 2011, from 5:30 p.m. to 7:30 p.m.
- 3) Newport Art Museum, d/b/a Murder Mystery Theater; 76 Bellevue Ave., May 21 and 28, June 4 and 18, July 2 and 16, August 6 and 13, 2011, from 5:30 p.m. to 7:00 p.m.
- 4) Newport Art Museum, d/b/a 4th Friday; 76 Bellevue Ave.: May 27 and June 24, 2011, from 6:00 p.m. to 9:00 p.m.
- Solution Post Graduation Committee, d/b/a RHS Post Graduation Party; Elks Lodge, 141 Pelham St., June 10, 2011, from 7:00 p.m. to Midnight.
- 6) Newport Historical Society, d/b/a Moveable Type (traveling exhibit); Newport Colony House (parking spaces at curb), October 15 and 16, 2011, from 10:00 a.m. to 3:00 p.m.
- c. Annual Entertainment License, Renewals (Listed at end of docket)
- d. Holiday Selling License, Renewals:
 - 1) Destination: Chocolate, LLC, d/b/a Destination: Chocolate, 15 Bowen's Wharf.
 - 2) Thames Street Shirt Company, d/b/a Newport Shirt Company, 492 Thames St.
 - 3) Wag Nation, Inc., d/b/a Wag Nation, 92 William St.
- e. Holiday Selling License, New:
 - 1) Francesca's Collections, Inc., d/b/a Francesca's Collections, 15 Long Wharf
 - 2) ANB International, d/b/a Claire Murray, 57 America's Cup Ave.
- f. Second-hand License, Renewal, Newport Art Museum and Art Association, Inc., d/b/a Griffon Shop, 76 Bellevue Ave.
- g. Pedicab Licenses:
 - 1) Marco Aveledo, 108 Bayview Drive, Jamestown, RI
 - 2) Leo Bronder-Giroux, 17 Freeborn St., Newport, RI

- 3) David Cass, 32 Kenyon Street, Providence, RI
- 4) Kelsey Fitzgibbons, 19 Ayrault St., Newport, RI
- 5) Robert Forster, 62 Callender Ave., Newport, RI
- 6) David Gonsalves, 62 Callender Ave., Newport, RI
- 7) Barrett Herminghaus, 3 J.H. Dwyer Dr., Middletown, RI
- 8) Mike Kowalczyk, 9 Beechland Place, Middletown, RI
- 9) Sam Leuschner, 612 Thames St., Newport, RI
- 10) Alex Little, 9 Stockholm St., Newport, RI
- 11) Jonathan Parkin, 263 Hawthorn St., New Bedford, MA
- 12) Kristen Rezendes, 102 Richard Drive, Portsmouth, RI
- 13) Samuel Stimson, 36 Ellery Ave., Middletown, RI
- 14) Sam Young, 693 Thames St., Newport, RI
- h. Communication from Alice Sheerin, Vice President, Top of the Hill Association, asking permission to close part of Francis St., between Ayrault and Everett Sts., for their Second Annual Block Party on June 5, 2011, from 5:00 p.m. to 8:00 p.m. (Approve subject to details being worked out with the city administration)
- i. Communication from Helen Harris and Kiki Mahan, The Historic Hill Association, asking permission to close School St., between Mary and Touro Sts., for a neighborhood block party on June 18, 2011, from 5:00 p.m. to 10:00 p.m. (Approve subject to details being worked out with the city administration)
- j. Communication from Kate Dana, VIEWPOINT Coordinator, Project On Public Art Newport, asking permission to install art work at King Park and in the water near the seawall, from Sept. 11, 2011, through October 10, 2011. (Approve subject to details being worked out with the city administration)
- k. Communication from Kevin Rinaldi-Young, Estate Manager, Bellevue House, 304 Bellevue Ave., asking permission to hold a parade/procession on Bellevue Ave, June 18, 2011: beginning at 5:15 p.m. at Bellevue House and, with an acoustic jazz band at the head, walking south on Bellevue Ave. to the parking lot of Bailey's Beach. (Approve subject to details being worked out with the city administration)

1. Resignation of Linda Phillips, from the Film Commission (Receive with Regret)

LICENSES AND PERMITS

- 3. Application of Marina Café, LLC, d/b/a Marina Café & Pub, to expand it Class B (outdoor) Entertainment License to include live music, daily, to no later than 10:00 p.m. (First Hearing)
- 4. Application for a Victualing License, New, Andronikos Food Fair, LLC, d/b/a Greek Fair Café, 472 Thames St.
- 5. Application for a Victualing License, New, Matthew Tscheulin and Agnes Tscheulin, d/b/a Rosemary & Thyme, 382 Spring St.

COMMUNICATIONS & PETITIONS

6. Communication from Robert A. Smith, PE, Deputy Chief Engineer, RI Department of Transportation, re: Reconstruction of Pell Bridge Approach Ramps.

APPOINTMENTS TO BOARDS AND COMMISSIONS

7. Film Commission (3 vacancies) -- Applicants: Joseph Burke, J. Rocco Michaluck, R. Vincent Smith

RESOLUTIONS

8. Endorsing the Pell Bridget Access Improvements Concept Prepared by the Aquidneck Island Transportation Study – S. Waluk, N. Neville, H. Winthrop

COMMUNICATIONS FROM THE CITY MANAGER

- 9. Communication #4837/11, re: Request for 24-Hour Resident Parking on Martin Street (with accompanying ordinance)
- 10. Communication #4838/11, re: Contract Extension with Waste Management (with accompanying resolution)

- 11. Communication #4839/11, re: United Water Contract Administrative Memorandum (with accompanying resolution)
- 12. Communication #4840/11, re: Parking Agreement for Humphrey J. Donnelly III Transportation & Visitors (Gateway) Center Newport Marriott Hotel (with accompanying resolution)
- 13. Communication #4841/11, re: Amendments to Chapter 5.97 of the Codified Ordinances, entitled, "Pedicab" (with accompanying ordinance)

ADJOURN AS COUNCIL AND CONVENE AS BOARD OF LICENSE COMMISSIONERS

BOARD OF LICENSE COMMISSIONERS

<u>CONSENT CALENDAR</u>. (THE CONSENT CALENDAR IS APPROVED IN ITS ENTIRETY UNLESS THE COUNCIL REMOVES AN ITEM FOR DISCUSSION. ALL LICENSES ARE GRANTED SUBJECT TO COMPLIANCE WITH ORDINANCES #31-80 AND #98-40.)

- 1) Class F-1 Daily Liquor License, Newport Art Museum, 76 Bellevue Ave., d/b/a 4th Friday, May 27 and June 24, 2011, from 6:00 p.m. to 9:00 p.m.
- 2) Communication from Louis Gehring, Vice President, POP, LLC, re: change in member ownership of the Limited Liability Corporation, and change of d/b/a from POP to Spanglish. (Receive and make part of licensee's record.)

Kathleen M. Silvia City Clerk

Entertainment Licenses by Class (restrictions noted) May 11, 2011

	Class Owner	Licensed Premises	A and B Restrictions	
41 Degr	rees North	Forty 1 North, LLC	351 Thames St., indoors, outside	Outdoor entertainment at 351 Thames to end at 11 porch, patio, and dock area; 14 PM Sunday through Thursday and at 12 Midnight Perry Mill Whf., indoors, 1st and Friday, Saturday, and Sunday before a holiday 2nd fls. Monday. Doors & windows to be closed when no outdoor entertainment at 351 Thames St. No outdoor entertainment at 14 Perry Mill Whf.; doors and windows to be closed during entertainment.
Belle M	er	Belle Mer, Inc. Goat Island	Inside the Buildings located at 2	Outdoor entertainment allowed with amplication until 11:00 p.m. Sunday through Thursday and to midnight Friday's, Saturday's and Sunday's prededing a Monday holiday.
	Hill Inn and Resort	Castle Hill, Inc.	Inside Building Located at Ocean Drive Main Floor Dining Room and Patio	BAND LIMITED TO FIVE (5) MEMBERS. OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) RESTRICTED TO SUNDAYS AND MONDAYS FROM 1:00 P.M. TO 5:30 P.M. AND MAY NOT EXCEED MAXIMUM DECIBLES FOR RESIDENTIAL AREAS.
Chanler Walk, T		Chanler, Inc. The	Inside Building Located at 117 Memorial Boulevard	OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) LIMITED TO FRIDAYS, SATURDAYS, AND SUNDAYS, FROM 1:00 P.M. TO 6:00 P.M. MEMORIAL DAY TO OCTOBER IST. PATIO SPEAKERS TO FACE EAST AND LAWN SPEAKERS TO FACE NORTH TOWARDS BUILDING AND HAVE
	Vader, LLC Thames Street	Inside Building Located t	at 359	OUTSIDE ENTERTAINMENT LIMITED TO 7:00 P.M. TO 11:00 P.M. ON SUNDAY THROUGH THURSDAY, AND 2:00 P.M. TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS.
Hotel V	iking Inc.	LaSalle Hotel Lessee, Bellevue Avenue	Inside Building Located at One	OUTSIDE ENTERTAINMENT WITH AMPLIFICATION PERMITTED TO 10:00 P.M.; WITHOUT AMPLIFICATION UNTIL 1:00 A.M.
Hyatt Re Newpor		DHC FOOD & BEVERAGE CORP.	Inside Building Located at Goat Island	OUTSIDE ENTERTAINMENT LIMITED TO 11:00 P.M. ON MONDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS.
Landing, The		Newport Waterfront Landing, Inc.	Inside Building Located at Bowens Wharf First Floor, Outside Patio Second Floor North West and East Decks	OUTSIDE ENTERTAINMENT LIMITED TO 11:00 P.M. ON MONDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. LIMIT OF 4 BAND MEMBERS; NO DRUMS EXCEPT FOR BONGOS.

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Newport Marriott		Marriott Hotel		Inside Building Located at OUTSIDE ENTERTAINMENT LIMITED TO 11
	Hotel Services, Inc. Wharf	. Americas Cup Avenue and Long		P.M. ON SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS. LOUNGE FRIDAY AND SATURDAY 9:00 P.M MIDNIGHT. POOL AREA FRIDAY 3:00 PM - 7:00 PM, SATURDAY
O'Brien's Pub		Five Tempus Ltd.	Inside Building Located at 501 Thames Street First Floor year- round and from April 15 to September 30 on Outside Patio	OUTSIDE PATIO LIMITED FROM APRIL 15 TO SEPTEMBER 30, FROM NOON TO 8 P.M.; said entertainment may be amplified. No more than three musicians (including vocalist) at any time.
	Oceancliff	Newport Time Resorts, Inc.	Inside Building Located at 65 Ridge Road	OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) LIMITED TO SUNDAYS AND MONDAYS, FROM 1-5:30 P.M. FROM MAY FIRST THROUGH OCTOBER 15 ONLY
	Perro Salado	Kelkery Food & Spirits, Inc.	Inside Building Located at 19 Charles St. on the first and second floors and the outside patio	
	Pier 49 Seafood & Spirits LLC	Shaner Rhode Island,	Inside Building Located at Corner of Market Square, Thames Street, and Americas Cup Avenue	OUTSIDE ENTERTAINMENT, MEMORIAL DAY TO OCT. 30TH; RESTRICTED TO PIANO PLAYER, GUITARIST AND VOCALIST; HOURS LIMITED TO 11 P.M. SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS.
	Pier, The	Pier of Newport, LLC, The	Inside Building Located at West Howard Street and outside patio	OUTSIDE ENTERTAINMENT (WITH AMPLIFICATION) PERMITTED APRIL THROUGH SEPTEMBER 30 FROM 10:30 A.M. TO 11:00 P.M. SUNDAY THROUGH THURSDAY AND MIDNIGHT ON FRIDAY AND SATURDAY AND ON SUNDAY OF HOLIDAY WEEKENDS. NO ENTERTAINMENT PERMITTED ON NORTH PATIO.
	Regatta Place, The	Goat Island Grille, Inc.	Inside Building Located on Goat Isalnd First Floor and Outside Patio	OUTSIDE ENTERTAIMENT LIMITED TO 11 P.M. ON SUNDAY THROUGH THURSDAY, AND TO MIDNIGHT ON FRIDAYS AND SATURDAYS, AND SUNDAYS OF HOLIDAY WEEKENDS
	Smokehouse Café	Mooring LTD, The	Inside Building at 31 Scott's Wharf, First Floor and Outdoor Deck	NOON TO 9:00 PM FRIDAY, SATURDAY AND SUNDAY'S ONLY
	Class A Indoors DBA Owner	Licensed Premises	Restrictions	
	22 Bowen's Wine Bar and Grille	BWR, LLC	Inside Building located at 22 Bowen's Wharf, first and second floors only	NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION.
	Asterisk	A&O, Inc.	Inside Building Located at 599	AMPLIFICATION FOR VOCALIST ONLY.

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DURING ENTERTAINMENT. NO OUTSIDE Restrictions on file in City Clerk's ENTERTAINMENT OR AMPLIFICATION. **Barking Crab** NO OUTSIDE ENTERTAINMENT OR The Barking Crab Inside Building Located at 151 Restaurant, The Newport, LLC Swinburne Row AMPLIFICATIONS Brick Alley Pub DOORS AND WINDOWS TO REMAIN CLOSED Plumb, Inc. Inside Building Located at 140and Restaurant 142 Thames Street Second Floor DURING ENTERTAINMENT. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. Buskers Pale, LLC The Inside Building Located at 178 DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. COMPLIANCE Thames Street First and Second WITH CITY NOISE ORDINANCE. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. Detail Police Officer(s) May be Required. Canfield House, The Gamas, Ltd. Inside Building Located at 5 NO OUTSIDE ENTERTAINMENT OR Memorial Boulevard AMPLIFICATION. Casino Theatre Salve Regina University Inside Building Located at 9 Freebody St. ALL DOORS AND WINDOWS TO REMAIN Celtica Celtica, LLC Inside Building at 95 Long Wharf CLOSED DURING ENTERTAINMENT. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. Clarke Cooke NO OUTSIDE ENTERTAINMENT OR Clarke Cooke House, Inside Building Located at 26 House, Cooke LLC Bannisters Wharf First and Second AMPLIFICATION. House Candy Floors Basement and 2 Summer Porches Store, The Empire Tea & Newport Bubble Tea Inside Building Located at 22 Doors and Windows to be closed during Coffee LLC Broadway and 3 River Lane entertainment Fastnet, The Fastnet, Inc. NO OUTSIDE ENTERTAINMENT OR Inside Building Located at 1-3 Broadway First Floor AMPLIFICATION. Fifth Element, 2paddyandacanuck, Inside Building Located at 107-ALL DOORS AND WINDOWS TO REMAIN The LLC 111 Broadway CLOSED DURING ENTERTAINMENT. LIMITED TO A TOTAL OF 5 BAND MEMBERS WHICH IS TO INCLUDE VOCALISTS.

Thames Stree First Floor Per

DOORS AND WINDOWS TO REMAIN CLOSED

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Fluke Wine Bar & Partners in Wine, Inc.

Kitchen

Inside Building Located at 41 Bowen's Wharf, Second & Third

Floors & Mezzanine

Gas Lamp Grille, BMT, LLC

Inside Building Located at 206-208 Thames Street First and

Second Floor

FIRST FLOOR NO RESTRICTIONS. SECOND FLOOR. ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT.

NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION.

Genie's Hookah

Farahnaz Shobeiri

Inside Building Located at 547

Thames St.

Jimmy's Saloon

Associates

Lounge

Memorial Boulevard

Inside Building Located at 37

Memorial Boulevard and 8 Merton

Road

NO OUTSIDE ENTERTAINMENT OR

NO OUTSIDE ENTERTAINMENT OR

AMPLIFICATION.

La Forge Casino

Restaurant

La Forge Casino Restaurant, Inc.

The Mooring, LTD

Inside Building Located at 186-188 Bellevue Avenue First Floor 3

Rooms, Casino, and Porch

AMPLIFICATION.

Mooring Seafood

Kitchen & Bar

Inside Building Located at 2

Sayer's Wharf

One Pelham East

& Studio 3

Brownstone, Inc.

Inside Building Located at 270-276 Thames Street, First Floor and 3 Pelham Street, Third Floor

CLOSED DURING ENTERTAINMENT. NO OUTSIDE ENTERTAINMENT OR

AMPLIFICATION.

People's Café

Vivienne O'Dwyer

Inside Building Located at 282

Thames St.

NO OUTSIDE ENTERTAINMENT OR

ALL DOORS AND WINDOWS TO REMAIN

AMPLIFICATION

Red Parrot

Restaurant, The Floors

Red Parrot, Inc.

Inside Building Located at 344-348 Thames Street First & Second NO OUTSIDE ENTERTAINMENT OR

AMPLIFICATION.

Rhino Bar & Grille J.H. Enterprises, Inc.

and Mamba Room, The

Inside Building at America's Cup Avenue & Thames Street Entire Premises of Newport Bay Club Except Plaza Level Retail Spaces NO OUTSIDE ENTERTAINMENT OR

AMPLIFICATION.

Rhumbline

Restaurant

62 Bridge Street, LLC

Inside Building Located at 62-64 Bridge Street, First Floor

Sambar Mach, LLC

Inside Building Located at 515

Thames St.

Sardella's Restaurant SSR Corporation

Inside Building Located at 30 Memorial Boulevard West and 78 William Street First and Second Floors

NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. SECOND FLOOR ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING LIVE ENTERTAINMENT.

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Scales & Shells BKA Industries, Inc.

Inside Building Located at 527 Thames Street Second Floor

ALL WINDOWS ON SECOND FLOOR TO REMAIN CLOSED. NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION.

Speakeasy Bar and Carter LLC

Grill. The

Inside Building Located at 250 Thames Street First Floor

All doors and windows to remain closed during

entertainment.

Thames Street

Thames Street International International Yacht & Yacht & Athletic Athletic Club

Inside Building Located at 536 Thames Street

ALL DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT. NO

OUTSIDE ENTERTAINMENT OR AMPLIFICATION.

Club

Vanderbilt Hall Hotel Vanderbilt LLC

Grace Hotels (The)

Inside Building Located at 41

Mary Street

NO OUTSIDE ENTERTAINMENT OR AMPLIFICATION. DOORS AND WINDOWS TO REMAIN CLOSED DURING ENTERTAINMENT.

Wharf Pub and Restaurant, The RJJ Deli, Inc.

Inside Building Located at 37 Bowens Wharf First Floor

NO OUTSIDE ENTERTAINMENT OR

AMPLIFICATION.

Class C

Owner **DBA Licensed Premises** Restrictions

Newport Yachting Historic Wharves Center Associates, Inc.

Located at Commercial Wharf

Detail Fire Fighter(s) will be determined after a review of each event. Outside Entertainment Limited to 11:00 P.M. on Sunday through Thursday, and to Midnight on Fridays and Saturdays, and Sundays of Holiday Weekends. Concerts on Weekdays until 9:30 pm; Concerts on

Fridays & Saturdays until 10:00 pm.

Class MOVI

DBA Owner

Licensed Premises

Restrictions

Jane Pickens

Fine Arts Newport,

Inside Building Located at 49

Touro Street

Limited to 435 people. Required to use the first floor prior to using the balcony. Whenever more than 300 people are in the building they are required to have a detail firefighter assigned. Variance hearing pending for sprinkler system.

Class **THTR**

Theater & Event Center Inc.

DBA Owner Licensed Premises

Restrictions

Firehouse Theater Firehouse Theater, Inc.

Inside Building Located at 4 **Equality Park Place**

1:00 p.m. - 11:00 p.m. Thursday, Friday, Saturday and Sunday. Limited to 8:00 p.m. - 10 p.m. Monday, Tuesday, Wednesday. Capacity for theater to be maximum of 49 persons, per Fire Department (includes actors, employees and audience). Sets and costumes must be reviewed by the Fire Department. 06/28/06-Per Chris Kirwin, NFD-Subject to Fire Fighter detail at 11 performances-per NFD until NFD notifies us that certain safety

measures are in place.